



General Assembly

Substitute Bill No. 57

February Session, 2012

* ____SB00057GL____031412____ *

**AN ACT CONCERNING THE LICENSURE OF FOOD
MANUFACTURING ESTABLISHMENTS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 21a-151 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective July 1, 2012*):

3 For the purposes of this chapter: [, "bakery"]

4 (1) "Bakery" means a building or part of a building wherein is
5 carried on the production of bread, cakes, doughnuts, crullers, pies,
6 cookies, crackers, spaghetti, macaroni or other food products made
7 either wholly or in part of flour or meal and including all frozen or
8 canned baked goods. All restaurants, hotels, private institutions, home
9 bakeries, establishments operating doughnut-frying equipment and
10 other similar places, offering their products for sale, shall be included.

11 (2) "Food manufacturing establishment" means a building or part of
12 a building where packaged food is prepared, processed or packaged
13 for wholesale distribution for human consumption. Premises which
14 are used solely for the retail sale or storage of prepackaged food and
15 facilities, as described in sections 21a-24a and 22-6r, and chapters 417,
16 419a, 422, 423, 430, 431 and 491, shall not be considered food
17 manufacturing establishments.

18 (3) "Packaged food" means standard or random weight or volume
19 packages of food commodities that are enclosed in a container or
20 wrapped in any manner in advance of wholesale or retail sale, such
21 that the commodities cannot be added or subtracted from the package
22 or wrapping without breaking or tearing the wrapping, container or
23 seals on the wrapping or container.

24 Sec. 2. Section 21a-152 of the general statutes is repealed and the
25 following is substituted in lieu thereof (*Effective July 1, 2012*):

26 [(a) Each building or room occupied as a bakery shall be so situated
27 as not to be exposed to contamination from its surroundings, shall be
28 drained and plumbed in a manner conducive to a healthful and
29 sanitary condition, shall be adequately lighted and shall have such air-
30 shafts and windows or ventilating pipes, to insure ventilation, as the
31 Commissioner of Consumer Protection directs. Each bakery shall be
32 provided with a washroom and lavatory facilities apart from the bake-
33 room and any room where the manufacture of food products is
34 conducted and suitable locker space shall be provided for each
35 employee. Lavatory facilities shall not be within, or communicate
36 directly with, production areas of a bakery. All bakery rooms shall be
37 of a height adequate for proper ventilation. The walls and ceilings of
38 preparation areas shall be constructed of a smooth material which is
39 impervious to water and which is easily cleaned. Floors and walls shall
40 fit tightly to prevent the accumulation of filth. All bakeries shall be free
41 of vermin. Doors, windows, transoms, skylights and other openings
42 shall be tightly screened between May first and November first of each
43 year. The furniture, utensils and floors of such rooms shall be kept in a
44 sanitary condition and fly-tight metal or plastic refuse containers shall
45 be provided and emptied each day. Bakery products shall not be
46 produced, prepared, packed or held under unsanitary conditions
47 whereby they may be rendered unwholesome or otherwise injurious to
48 health. The manufactured flour or meal food products shall be kept in
49 clean, dry and airy rooms. Hot and cold running water under pressure
50 shall be provided at a sink of sufficient size to be used for the washing
51 of baking utensils. A sink suitable for washing hands shall be provided

52 in the production area. Flour shall be stored on suitable racks at least
53 six inches above the floor and all raw materials shall be protected in a
54 sanitary manner at all times. Sleeping rooms shall be separated from
55 the rooms where bakery products are manufactured or stored.]

56 (a) Each food manufacturing establishment shall be designed,
57 constructed and operated as the Commissioner of Consumer
58 Protection directs pursuant to this chapter and chapter 418.

59 (b) No person, firm or corporation shall operate a bakery or food
60 manufacturing establishment with the intent of producing products for
61 human consumption without having obtained from said commissioner
62 a [bakery] license. Application for such license shall be made on forms,
63 furnished by the commissioner, showing the name and address of such
64 bakery [and] or food manufacturing establishment. Bakeries shall
65 show the number of persons engaged in the production of bread and
66 pastry products, excluding porters, dishwashers, drivers, sales
67 personnel and other employees not directly engaged in such
68 production. The commissioner shall cause an inspection to be made of
69 the premises described in the application and, if conditions are found
70 satisfactory, such license shall be issued. No person, firm or
71 corporation operating a bakery, or any agent, servant or employee
72 thereof, shall refuse, hinder or otherwise interfere with access by the
73 commissioner or his authorized representative for the purpose of
74 conducting an inspection. No person, firm or corporation shall sell or
75 distribute bread, cakes, doughnuts, crullers, pies, cookies, crackers,
76 spaghetti, macaroni or other food products, including frozen or canned
77 baked goods made in whole or in part of flour or meal produced in
78 any bakery located within or beyond the boundaries of this state, or
79 shall sell or distribute food produced in a food manufacturing
80 establishment located within the boundaries of this state unless such
81 bakery or food manufacturing establishment has obtained a license
82 from said commissioner. Facilities licensed pursuant to chapter 417 as
83 food vendors and frozen dessert vendors, and all facilities licensed
84 pursuant to chapters 419a and 430 shall be exempt from such licensing
85 requirement. The commissioner may promulgate regulations excepting

86 out-of-state manufacturers of products, commonly known as cookies,
87 crackers, brown bread or plum puddings in hermetically sealed
88 containers and other similar products, from the license provisions of
89 this section. Such license shall be valid for one year and a fee therefor
90 shall be collected as follows: From a person, firm or corporation
91 owning or conducting a bakery in which there are four persons or
92 fewer engaged in the production of bread and pastry products, twenty
93 dollars; in which there are not fewer than five nor more than nine
94 persons so engaged, forty dollars; in which there are not fewer than ten
95 nor more than twenty-four persons so engaged, one hundred dollars;
96 in which there are not fewer than twenty-five nor more than ninety-
97 nine persons so engaged, two hundred dollars; in which there are
98 more than one hundred persons so engaged, two hundred fifty dollars.
99 The fee for a food manufacturer license shall be twenty dollars
100 annually.

101 (c) A bakery or food manufacturer license may be revoked by said
102 commissioner for violation of this chapter after a hearing conducted in
103 accordance with chapter 54. In addition, a bakery or food
104 manufacturer license may be summarily suspended pending a hearing
105 if said commissioner has reason to believe that the public health, safety
106 or welfare imperatively requires emergency action. Within ten days
107 following the suspension order said commissioner shall cause to be
108 held a hearing which shall be conducted in accordance with the
109 provisions of said chapter 54. Following said hearing said
110 commissioner shall dissolve such suspension or order revocation of the
111 bakery or food manufacturer license. Any person, firm or corporation
112 whose license has been revoked may make application for a new
113 license and said commissioner shall act on such application within
114 thirty days of receipt. The costs of any inspections necessary to
115 determine whether or not an applicant, whose license has been
116 revoked, is entitled to have a new license granted shall be borne by the
117 applicant at such rates as the commissioner may determine. Said
118 commissioner may refuse to grant any bakery or food manufacturer
119 license if he or she finds that the applicant has evidenced a pattern of

120 noncompliance with the provisions of this chapter. Prima facie
121 evidence of a pattern of noncompliance shall be established if said
122 commissioner shows that the applicant has had two or more bakery or
123 food manufacturer licenses revoked.

124 (d) All vehicles used in the transportation of bakery products shall
125 be kept in a sanitary condition and shall have the name and address of
126 the bakery, owner, operator or distributor legibly printed on both
127 sides. Each compartment in which unwrapped bakery products are
128 transported shall be enclosed in a manner approved by the
129 commissioner.

130 (e) The provisions of this section shall not prevent local health
131 authorities from enforcing orders or regulations concerning the
132 sanitary condition of bakeries or food manufacturing establishments.

133 (f) Any person who desires to obtain a license under the provisions
134 of this chapter shall first obtain and present to the commissioner a
135 certificate of approval of the location for which such license is desired.
136 The certificate of approval shall be obtained from the zoning
137 commission, planning and zoning commission or local authority of the
138 town, city or borough in which the facility is located or is proposed to
139 be located. A certificate of approval shall not be required in the case of
140 the transfer of the last issued license from one person to another or in
141 the case of a renewal of a license by the holder of the license. The
142 commissioner shall not issue any license under the provisions of this
143 chapter for which a certificate of approval is required until such
144 certificate of approval is obtained by the license applicant.

145 Sec. 3. Section 21a-157 of the general statutes is repealed and the
146 following is substituted in lieu thereof (*Effective July 1, 2012*):

147 No employer shall knowingly permit to work in his or her bakery or
148 food manufacturing establishment any person who is affected with
149 [pulmonary tuberculosis or a scrofulous or venereal disease or with a
150 communicable skin affection or with diphtheria, dysentery,
151 paratyphoid fever, poliomyelitis, scarlet fever, smallpox, streptococcus

152 sore throat, typhoid fever, tuberculosis, gonorrhea or syphilis] any
153 pathogen that is contained in The Center for Disease Control's "List of
154 Infectious and Communicable Diseases which are Transmitted
155 Through the Food Supply", as amended from time to time, except in
156 those cases in which the director of health has given written
157 authorization stating that the public health is not endangered, and
158 each employer shall maintain himself or herself and his or her
159 employees in a clean and sanitary condition, with clean, washable
160 outer clothing, while engaged in the manufacture, handling or sale of
161 food products. The commissioner or his or her authorized agents may
162 order any person employed in a bakery or food manufacturing
163 establishment to be examined by a licensed physician if he or she has
164 reason to believe that such employee has [any disease enumerated
165 above] a condition that may transmit a food-borne illness. No person
166 shall be allowed to smoke in a bakery or food manufacturing
167 establishment while in the performance of his or her duty.

168 Sec. 4. Section 21a-158 of the general statutes is repealed and the
169 following is substituted in lieu thereof (*Effective July 1, 2012*):

170 The owner, agent or lessee of any property used as a bakery or food
171 manufacturing establishment shall, within thirty days after the service
172 of notice upon him or her of an order issued by the Commissioner of
173 Consumer Protection, comply therewith or cease to use or allow the
174 use of such premises as a bakery or food manufacturing establishment.
175 Such notice shall be in writing and may be served upon such owner,
176 agent or lessee, either personally or by mail, and a notice by registered
177 or certified letter, mailed to the last-known address of such owner,
178 agent or lessee, shall be sufficient service.

179 Sec. 5. Section 21a-159 of the general statutes is repealed and the
180 following is substituted in lieu thereof (*Effective July 1, 2012*):

181 (a) Any person who violates any provision of this chapter, or any
182 regulation made thereunder, or fails to comply with an order of the
183 Commissioner of Consumer Protection, shall be fined not more than

184 fifty dollars for the first offense, shall be fined not more than one
 185 hundred dollars or imprisoned not more than ten days for the second
 186 offense and shall be fined not more than two hundred dollars and
 187 imprisoned not more than thirty days for each subsequent offense.

188 (b) The commissioner may apply to the Superior Court for and such
 189 court may, upon hearing and for cause shown, grant a temporary or
 190 permanent injunction enjoining any person from operating a bakery or
 191 food manufacturing establishment without a license issued in
 192 accordance with this chapter, irrespective of whether or not there
 193 exists an adequate remedy at law. The commissioner also may apply to
 194 the Superior Court for, and such court shall have jurisdiction to grant,
 195 a temporary restraining order pending a hearing. Such application for
 196 injunctive or other appropriate relief shall be brought by the Attorney
 197 General.

198 (c) The Commissioner of Consumer Protection, after providing
 199 notice and conducting a hearing in accordance with the provisions of
 200 chapter 54, may issue a warning citation or impose a civil penalty of
 201 not more than one hundred dollars for the first offense and not more
 202 than five hundred dollars for each subsequent offense on any person
 203 who violates any provision of this chapter or any regulation adopted
 204 pursuant to section 21a-156.

205 Sec. 6. Section 21a-153 of the general statutes is repealed. (*Effective*
 206 *July 1, 2012*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2012</i>	21a-151
Sec. 2	<i>July 1, 2012</i>	21a-152
Sec. 3	<i>July 1, 2012</i>	21a-157
Sec. 4	<i>July 1, 2012</i>	21a-158
Sec. 5	<i>July 1, 2012</i>	21a-159
Sec. 6	<i>July 1, 2012</i>	Repealer section

GL *Joint Favorable Subst.*